



TRW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Per Vilhelm ASPENBERG, et al. : Group Art Unit: 1621
Serial No.: 10/534,666 : Examiner: S.A. Witherspoon
Filed: May 11, 2005 :
For: BISPHTHOSPHONATE COATED IMPLANT DEVICE AND METHOD
THEREFOR

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants note that the Official Filing Receipt, copy enclosed, in the above-identified application contains the following error.

Specifically, the first inventor's middle name is incorrectly spelled. It should be Per Vilhelm Aspenberg, not Per Vilhem Aspenberg.

Attached are copies of the Declaration and Assignment as filed with the application with the inventor's information highlighted. The error therefore is believed to be chargeable to the USPTO and no fee is required. However, if any fees are deemed necessary, they may be charged to Deposit Account #02-0200. A duplicate of this request is enclosed.

Accordingly, it is respectfully requested that the USPTO data base for this application be corrected and a CORRECTED Filing Receipt be issued for this application and forwarded to the undersigned as soon as possible.

Respectfully submitted,
BACON & THOMAS, PLLC

By: *Richard E. Fichter*
Richard E. Fichter
Registration No. 26,382

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request for corr ofr.wpd
October 17, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

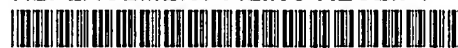


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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/534,666	05/11/2005	1621	450	ASPE3001/REF	2	10	2

CONFIRMATION NO. 6542

REPLACEMENT FILING RECEIPT



OC000000020819658

23364
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

Date Mailed: 10/13/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

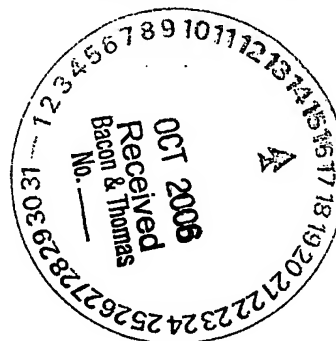
Applicant(s)

Per Vilhem Aspenberg, Linkoping, SWEDEN;
Pentti Olavi Tengvall, Linkoping, SWEDEN;

Power of Attorney:

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Eric Spector-22495
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Eugene Mar-25893

Richard Fichter-26382
Thomas Moore-28974
Chung Chin Chen-31725
Benjamin Urcia-33805



Domestic Priority data as claimed by applicant

This application is a 371 of PCT/SE04/01082 07/01/2004
which claims benefit of 60/481,274 08/21/2003

Foreign Applications

If Required, Foreign Filing License Granted: 10/12/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/534,666**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

BISPHOSPHONATE COATED IMPLANT DEVICE AND METHOD THEREFOR

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



10/534,66

Rec'd PTO 11 MAY 2005
RF 4/18/05 440.981USNCOMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled BISPHOSPHONATE COATED IMPLANT DEVICE AND METHOD THEREFOR, the specification of which was filed as International Patent Application No. PCT/SE2004/001082, on 1 July 2004.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a). If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 CFR §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority
Claimed

PCT/SE2004/001082 Sweden 1 July 2004
(Number) (Country) (Day/Month/Year)

[X] []
Yes No

DECLARATION - PAGE 1 OF 3

BEST AVAILABLE COPY

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>60/481,274</u>	<u>21 Aug. 2003</u>	<u>Expired</u>
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)

The undersigned hereby authorizes Rolf Fasth, the U.S. attorney named herein, to accept and follow instructions from Accelerator as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between Rolf Fasth and the undersigned. In the event of a change in the persons from whom instructions may be taken, Rolf Fasth will be so notified by the undersigned.

I hereby appoint Rolf Fasth, Registration No. 36,999, to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to Rolf Fasth at telephone number (602) 993-9099; fax number (602) 942-8364.

Address all correspondence to:

Rolf Fasth
FASTH LAW OFFICES
629 E. Boca Raton
Phoenix, AZ 85022

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Per Vilhelm Aspenberg

Inventor's signature

Per Aspenberg

20/405
Date

Residence: Linkoping, Sweden SEX

Citizenship: Sweden

Post Office address: Asgatan 4

582 28 Linkoping, Sweden

Full name of second joint inventor: Pentti Olavi Tengvall

Inventor's signature

Pentti Tengvall

19/405
Date

Residence: Linkoping, Sweden SEX

Citizenship: Sweden

Post Office address: Vifolkagatan 17

582 37 Linkoping, Sweden

ASSIGNMENT

WHEREAS, we, Per Vilhelm ASPENBERG and Pentti Olavi TENGVALL, whose post office addresses appear below, hereinafter referred to as ASSIGNOR, have invented certain new and useful improvements in **BISPHOSPHONATE COATED IMPLANT DEVICE AND METHOD THEREFOR** (hereinafter referred to as the INVENTION) for which an application (U.S. Patent Application Serial No. 10/534,666) for United States Letters Patent was executed on even date herewith.

WHEREAS, Optovent AB whose post office address is c/o Accelerator I Linköping AB, Box 1224, S-581 12 Linköping, SWEDEN, hereinafter referred to as ASSIGNEE, is desirous of acquiring the entire right, title and interest in and to the same in the United States;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, we, ASSIGNOR, by these presents do sell, assign and transfer unto said ASSIGNEE, the entire right, title, and interest in and to said INVENTION and application throughout the United States of America, including any and all Letters Patent granted on any division, continuation, continuation-in-part and reissue of said application.

ALSO, ASSIGNOR hereby agrees to execute any documents that legally may be required in connection with the filing, prosecution and maintenance of said application or any other patent application(s) in the United States for said INVENTION, including additional documents that may be required to affirm the rights of ASSIGNEE in and to said INVENTION, all without further consideration. ASSIGNOR also agrees, without further consideration and at ASSIGNEE'S expense, to identify and communicate to ASSIGNEE at ASSIGNEE'S request documents and information concerning the INVENTION that are within ASSIGNOR'S possession or control, and to provide further assurances and testimony on behalf of ASSIGNEE that lawfully may be required of ASSIGNOR in respect of the prosecution, maintenance and defense of any patent application or patent encompassed within the terms of this instrument. ASSIGNOR'S obligations under this instrument shall extend to ASSIGNOR'S heirs, executors, administrators and other legal representatives.

ALSO, ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all Letters Patent referred to above to ASSIGNEE, as the ASSIGNEE of the entire right, title and interest in and to the same, for ASSIGNEE'S sole use and behoof; and for the use and behoof of ASSIGNEE'S legal representatives and successors, to the full end of the term for which such Letters Patent may be granted, as fully and entirely as the same would have been held by ASSIGNOR had this assignment and sale not been made.

ASSIGNOR authorizes any member of the firm of *Bacon & Thomas* to insert or complete any information in this document needed to effect its recordal in the U.S. Patent and Trademark Office.

Assignor Name Per Vilhelm ASPENBERG	Address Asgatan 4, S-582 28 Linköping, SWEDEN
Where Signed <i>Per Aspenberg</i>	Signature <i>Linköping, Sweden</i>
Date <i>October 4, 2006</i>	Witness (optional)
_____ Print/Type Name	_____ Print/Type Name
_____ Signature	_____ Signature

Assignor Name Pentti Olavi TENGVALL	Address Vifolkagatan 17, S-582 47 Linköping, SWEDEN
Where Signed <i>Pentti Tenvall</i>	Signature <i>Linköping, Sweden</i>
Date <i>October 4, 2006</i>	Witness (optional)
_____ Print/Type Name	_____ Print/Type Name
_____ Signature	_____ Signature